

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---------------------------|---|----------------|
| In re | : | Standing Order |
| | : | |
| PROVISIONS FOR ELECTRONIC | : | No. |
| CASE FILING, | : | |

ORDER

AND NOW, this day of 2003, Federal Rules of Civil Procedure 5(e) and 83 and Federal Rules of Bankruptcy Procedure 5005(a), 9011 and 9029 authorize this court by local rule to permit the filing, signing and verification of documents by electronic means;

And Local Bankruptcy Rule 5005 (L.B.R. 5005) having been adopted to provide such authorization;

And to implement L.B.R. 5005 certain practices and procedures have been developed to facilitate electronic filing of documents in this court;

And the judges of this court intending that those practices and procedures be binding on parties participating in the electronic case filing system ("ECF") offered by the court;

It is hereby **ORDERED** that the document attached as Exhibit A (Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means dated _____ and as amended from time to time) is hereby **APPROVED**.

For the Court:

BRUCE I. FOX
Chief Bankruptcy Judge

EXHIBIT A

Procedures for Filing, Signing and Verifying Pleadings and Papers By Electronic Means:

1. Scope of Electronic Filing

a. Effective April 1, 2003, all cases will be assigned to the Electronic Filing System. Except in exceptional circumstances preventing a person with a court-issued log-in and password (“Filing User”) from filing electronically or as otherwise provided in paragraph 5 and 6 below, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court thereafter must be electronically filed by the Filing User.

b. In a case assigned to the Electronic Filing System after it has been opened, documents previously filed in paper form will not be converted to electronic format unless the court orders otherwise. All documents filed subsequently must be done so electronically except as provided in these rules.

c. Notwithstanding the foregoing, attorneys and others who are not Filing Users in the Electronic Filing System are not required to electronically file pleadings and other papers in a case assigned to the System. Once registered, a Filing User may withdraw from participation in the Electronic Filing System by providing the clerk’s office with written notice of the withdrawal.

2. Eligibility, Registration, Passwords, Filing Fees

a. Attorneys admitted to the bar of this court (including those admitted pro hac vice), United States trustees and their assistants, standing Chapter 13 trustees and their

assistants, private trustees, and others as the court deems appropriate, may register as Filing Users of the court's Electronic Filing System. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this court and is in good standing.

b. A party to a pending contested matter or adversary proceeding who is not represented by an attorney may be permitted to register as a Filing User in the Electronic Filing System as the court deems appropriate. Registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

c. Provided that a Filing User has an Internet e-mail address, registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed.R.Bankr.P. 7004. Waiver of service and notice by first class mail includes waiver of notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022.

d. Non-Filing Users may also receive notice and service of electronically filed documents by registering with the clerk in a form prescribed for that purpose which requires

the Non-Filing User's name, address, telephone number, and Internet e-mail address. Such registration shall constitute the waivers described in paragraph c above.

d. Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk by telephone with written confirmation if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

e. Upon receipt of a log-in and password, those Filing Users eligible to pay by credit card must submit an authorization in a form prescribed by the clerk to the clerk's office to pay filing fees by credit card.

3. Consequences of Electronic Filing

a. Electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Bankr.P. 5003.

b. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Rule 1, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

c. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located to be considered timely filed that day.

4. Entry of Court Orders

a. All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed.R.Bankr.P. 5003 and 9021. All signed orders will be filed electronically by the court or court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

b. A Filing User submitting a document electronically that requires a judge's signature must also promptly deliver the document in such form as the judge requires.

5. Attachments and Exhibits

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits conventional filing. Unless the exhibits or attachments are in digital form, a Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Upon request, the Filing User shall within three (3) business days transmit the complete document without charge to any party that so requests. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to

their right to timely file additional excerpts or the complete document, provided however, that the total number of pages of attachments and exhibits electronically filed shall not exceed 20 without prior approval of the judge. Pages of exhibits and attachments in excess of 20 may be filed as of right in hard copy in the traditional manner. Responding parties who choose to file attachments and exhibits electronically may timely file additional excerpts or the complete document subject to the same limitations as set forth above. At any hearing at which the exhibit or attachment is to be considered, counsel shall have a complete copy for the court and all parties.

6. Sealed Documents

Documents ordered to be placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk.

7. Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until three years after the main case is closed. On request of the court, the Filing User must provide original documents for review.

8. Signatures

a. The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Bankr.P. 9011, the other Federal Rules of Bankruptcy Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block and must set forth the name, address, and telephone number of the Filing User. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

b. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

c. All documents filed by a Filing User, including petitions, lists, schedules, statements and amendments thereto that are required to be verified under Fed.R.Bankr.P. 1008 or contain an unsworn declaration as provided in 28 U.S.C. § 1746, and all writings, affidavits or pleadings in which a person verifies, certifies, affirms or swears under oath or penalty of perjury the truth of matters set forth in that document must be filed electronically. The signature on the filed copy must be conformed to the original verified pleading by affixing the notation "s/" above the typed name of the person whose signature appears on the

original. Such notation constitutes a representation by the Filing User that the fully executed original verified pleading is in his or her possession at the time of filing.

d. Documents requiring signatures of more than one party other than documents referenced in paragraph 8(c) above must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; or (2) endorsing the document with a statement that certifies that the document is filed pursuant to Paragraph 8(d) of this Order or (3) any other manner approved by the court.

e. Certification of compliance with paragraph 8(d) of the Standing Order constitutes the submitting attorney's representation that he/she has received a copy of the original document containing the signatures of all parties to the document and that such original document will be retained pursuant to the requirements of paragraph 7 of the Standing Order. The original document requirement shall not require retention of a document with original signature to the extent the parties to a stipulation have provided in the document for acceptance of facsimile signatures.

9. Service of Documents by Electronic Means

When a Filing User electronically files a pleading or other document using the Electronic Filing System, a "Notice of Electronic Filing" shall automatically be generated by the system and shall be sent automatically to parties entitled to service or notice by reason of their registration in compliance with paragraph 2(c) and (d). Electronic transmission of the "Notice of Electronic Filing" constitutes service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper

copy of any electronically filed pleading or other document. Except as expressly provided in this Order, service or notice must be made according to the Federal Rules of Bankruptcy Procedure and the local rules.

10. Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Bankr.P. 9022. The clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules.

11. Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court by motion pursuant to Local Rule 9014-2, provided that such User immediately notifies the Clerk in writing delivered by facsimile or hand of the technical failure. Technical failures include problems accessing the court's automated system as well as unanticipated technical failures in the Filing User's system. Any party in interest that objects to the relief being sought must file an objection within five (5) days of service of the motion.

12. Public Access

a. Any person or organization, other than one registered as a Filing User, may access the Electronic Filing System at the court's Internet site, www.paeb.uscourts.gov by

obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

b. In connection with the filing of any material in an action assigned to the Electronic Filing System, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests. Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.